

HAGUE NOTICE & INTERNATIONAL NOTICING TIPS

Hague Notice

Per the case of Jennifer O., DCFS is required to comply with the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. DCFS has a legal obligation to comply with this Convention when a parent resides outside of the United States. To determine if Hague notice is required in your case, please follow this three step process:

1. Do you have an address for the parent?

The Hague Service Convention only applies when the CSW has an address. If he/she does not have an address, use standard noticing procedures, such as due diligence searches, publication of notices, etc.

2. Is the country where the parents resides a member of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents?

To determine this please consult with County Counsel. **Note:** There are only three countries in Central and South American that require notice under the Hague Convention: Mexico, Argentina, and Venezuela. All other countries in Central and South America DO NOT require notice under the Hague Convention.

3. What type of hearing are you at?

Notice under the Hague Service Treaty is required at two (2) types of hearings:

- i. Jurisdictional/dispositional hearings, if the parent(s) have not made a general appearance;
- ii. WIC 366.26 hearings, when the recommendation is to terminate parental rights, and the parent has not made a general appearance.

Non-Hague Notice

If the country that a parent resides in is not a member of the Hague Service Convention, and if the CSW has an address for the parent, notice the parent by international mail, return receipt requested.

Service by International Registered Mail

Registered or certified mail, return receipt requested may be sent to most countries in the world. Rule 4(f)(2)(C) provides that this method of service may be used unless prohibited by the law of the foreign country.

Do not use service by registered mail in the following countries:

Argentina	Japan	San Marino
Bulgaria	Korea	Slovak Republic
China, PRC	Kuwait	Sri Lanka
Czech Republic	Lithuania	Switzerland
Egypt	Mexico	Turkey
Germany	Norway	Ukraine
Greece	Poland	Venezuela
Hungary	Russian Federation	

INTERNATIONAL NOTICE CHECKLIST FOR MEXICO

When ordering a Hague Service Convention notice, the court will set a date six (6) months out. This is necessary to allow for the notices to be generated and sent to the Mexican Central Authority (MCA). The MCA requires a minimum of four (4) months to attempt service of the notice. CSWs must complete the following as soon as the hearing is set and Hague notice is required:

- Prepare proper notice in Spanish and English for that hearing using Simple Notification Application (SNAP) or CWS/CMS;
- Prepare the English USM-94 Form and the Spanish USM-94 using SNAP;
- E-mail copies of the notices and USM-94 to Randy Harris at Rharris@counsel.lacounty.gov

When noticing the Central Authority, address the notice to the parent in the care of the Central Authority.

When noticing a parent in Mexico, CSWs are not required to send or translate the court report with the notices.

The address of the MCA is as follows:

(SNAP will automatically populate the address below. CWS/CMS will not.):

Ministry of Foreign Affairs
Directorate-General of Legal Affairs
Plaza Juárez No. 20, Planta Baja
Edificio Tlatelolco
Colonia Centro
Delegación Cuauhtémoc
C.P. 06010
Mexico, Distrito Federal

Once the MCA serves the parent, it will return the Certificate form. That form becomes our Proof of Service. Notice is only complete after the MCA returns the Certificate.

When the CSW receives the Certificate form, he/she must submit it to court at the next hearing date. If the MCA has not returned the Certificate after six (6) months, notice can be deemed to have occurred, according to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

For assistance with Hague Notices, please contact any of the following County Counsels by email:

- Alyssa Skolnick, (323) 526-6158, e-mail: Askolnick@counsel.lacounty.gov
- Lisa Huerta, (323) 526-6211, e-mail: Lhuerta@counsel.lacounty.gov

To check the status of your Hague notice please contact Julia Navarro, Head Secretary, (323) 526-6259, email at Jnavarro@counsel.lacounty.gov.